

1 Name: Denise Elizabeth

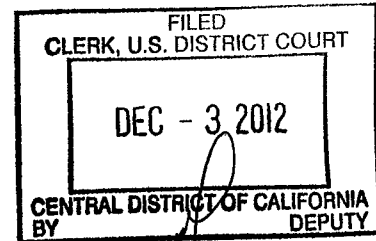
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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 Denise Elizabeth

CASE NUMBER:

11 CV12-7719-CAS(VBKx)

12 Plaintiff

13 v.

14 Timothy Franz GEITHNER & Selvi STANISLAUS

15 NOTICE OF REFUSAL
FOR CAUSE

16 Defendant(s).

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18 1. United States of America's notice of motion of
19 motion and motion to dismiss under rules 8
20 and 12 of the Fed. R. CIV. P.

21
22 2. United States of America's memorandum in
23 support of its motion to dismiss under rules
24 8 and 12 of the Fed. R. CIV. P (14 pages)

25 3. United States of America's notice of motion
26 and motion to dismiss under rules 8 and 12
27 of Fed. R. CIV. R (2 pages)

28
denise-elizabeth
30/11/2012

CORRIGAL

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8 Attorneys for Defendant, the United States of America

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 WESTERN DIVISION
12

13 DENISE ELIZABETH,

14 Plaintiff,

15 vs.

16 TIMOTHY FRANZ GEITHNER, et
al.,

17 Defendants.
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Case No. CV12-7719 CAS (VBKx)

UNITED STATES OF AMERICA'S
MEMORANDUM IN SUPPORT OF
ITS MOTION TO DISMISS UNDER
RULES 8 AND 12 OF THE FED. R.
CIV. P.

Hearing:
January 14, 2013, at 10 a.m.
Courtroom 5 (Room 218-J; 2nd Floor)
Federal Courthouse
312 North Spring Street,
Los Angeles, California

Judge Christina A. Snyder

22 The United States of America (erroneously named in this action through its
23 agent, Timothy Franz Geithner), by and through its undersigned counsel, hereby
24 submits this memorandum in support of its motion (1) to dismiss plaintiff's
25 complain for lack of subject matter jurisdiction (Fed. R. Civ. P. 12(b)(1)); (2) to
26 dismiss for failure to state a claim upon which relief can be granted (Fed. R. Civ.
27 P. 12(b)(6); (3) to dismiss for failure to properly serve the United States (Fed. R.
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Civ. P. 12(b)(5)); and for failure to provide the Court with a short and plain statement of both the grounds for the Court's jurisdiction and the claim showing that the pleader is entitled to relief (Fed. R. Civ. P. 8(a)).

Plaintiff's Libel of Review is largely indecipherable and offers little guidance as to the circumstances giving rise to this suit. As explained more fully below, defects in both the substance and service of the complaint render the pleading defective on its face, and therefore subject to dismissal by the Court.

I. Lam's Filings with the Court

On September 10, 2012, Denise Elizabeth Lam ("Lam") filed a document captioned "Denise Elizabeth v. Timothy Franz Geithner and Selvi Stanislaus" and entitled:

Libel of Review

- common law counterclaim in admiralty
- notice of lis pendens and –
- verified statement of right-

Re: God-given unalienable rights in the original estate – Article III; Constitution

The ensuing pleading is a largely nonsensical series of accusations levied against federal and state tax authorities. Lam accuses Timothy Franz Geithner, the current Secretary of the Treasury, and Selvi Stanislaus, the current Executive Officer of the California Franchise Tax Board, of "denying [Lam's] right to demand lawful money and interfering with [Lam's] redemption from the elastic currency system of the Federal Reserve."¹ With respect to Mr. Geithner in particular, Lam alleges that he has sent her letters threatening "a \$5K frivolous tax penalty."² Lam appears to dispute her liability for this penalty, and indeed income taxes in general, claiming that "[t]his presumption of liability...is erroneous and based upon endorsements of private credit from the Federal Reserve that have

¹ Libel of Review at 3

² Id.

RE: DENISE ELIZABETH V. TIMOTHY FRANZ GEITHNER, et al.

CASE NO. CV12-7719 CAS (VBKx)

SERVICE LIST

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8 Attorneys for Defendant, the United States of America

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
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13 DENISE ELIZABETH.,

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16 TIMOTHY FRANZ GEITHNER et
al.

17 Defendants.
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Case No. CV12-7719 CAS (VBKx)

[proposed] Order

Refusal for cause

21 After consideration of the United States' motion to dismiss and for good
22 cause shown, the Court determines that:

- 23 1. The United States is the proper party in interest.
24 2. The Court lacks subject matter jurisdiction over any claims that are
25 discernable from the face of the complaint.
26 3. Plaintiff has not properly served the United States.
27 4. Plaintiff failed to state a claim on which relief can be granted.
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1 5. Plaintiff failed to comply with Rule 8's requirements regarding a short
2 and plain statement of (1) the grounds for the Court's jurisdiction and (2) the claim
3 showing that the pleader is entitled to relief.

4 And, therefore, Plaintiff's complaint is dismissed.
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7 **IT IS SO ORDERED.**
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10 DATED: _____
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12 CHRISTINA A. SNYDER
13 United States District Court Judge
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*Rebused for
Cause*

RE: DENISE ELIZABETH V. TIMOTHY FRANZ GEITHNER, et al.

CASE NO. CV12-7719 CAS (VBKx)

SERVICE LIST

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622 S. Broadway, Suite 5
Redondo Beach, CA 90277

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*Refusal for
Cause*

ORIGINAL

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Case No. CV 12-7719 CAS (VBKx)

UNITED STATES OF AMERICA'S
NOTICE OF MOTION AND MOTION
TO DISMISS UNDER RULES 8 AND
12 OF THE FED. R. CIV. P.

Hearing date: January 14, 2013, at 10
a.m.,
Courtroom 5 (Room 218-J; 2nd Floor)
Federal Courthouse
312 North Spring Street
Los Angeles, California

Judge Christina A. Snyder

22 On January 14, 2013, at 10 a.m., the United States will request the Court to
23 dismiss Plaintiff's complaint under Rules 8 and 12 of the Federal Rules of Civil
24 Procedure for the reasons set forth in the accompanying memorandum.
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1 In compliance with L.R. 7-3, on November 13, 2012, counsel for the United
2 States wrote to Denise Elizabeth Lam notifying her of the Government's
3 anticipated motion and requesting that he contact counsel for the Government. A
4 copy of the Government's letter is attached as exhibit A. Counsel for the United
5 States has received no response to his November 13 letter to the plaintiff.

6
7 Respectfully Submitted,

8
9 ANDRE BROTT JR.

10 United States Attorney

11 SANDRA R. BROWN

12 Assistant United States Attorney

13 Chief, Tax Division

14 DATED: 11/29/2012

15 JAMES C. HUGHES

16 Assistant United States Attorney

17 Attorneys for Defendant

18 United States of America

RE: DENISE ELIZABETH V. TIMOTHY FRANZ GEITHNER, et al.

CASE NO. CV12-7719 CAS (VBKx)

SERVICE LIST

Denise Elizabeth
622 S. Broadway, Suite 5
Redondo Beach, CA 90277

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Redondo Beach, CA 90277

*Refusal for
Cause*



Denise Elizabeth
622 S. Broadway #5
Redondo Beach, California.
[90277]

United States District Court
for the Central District of California
312 North Spring Street
Los Angeles, California.
[90012-4701]

Registered mail # R E 327 303 666 US

Dear clerk;

Please file this refusal for cause in the case jacket of Article III case CV12-7719 CAS (VBKx). This is evidence if this presenter claims I have obligations to perform or makes false claims against me in the future. A copy of this instruction has been sent with the original refusal for cause back to the presenter in a timely fashion.

Certificate of Mailing

My signature below expresses that I have mailed a copy of the presentment, refused for cause with the original clerk instruction to the district court and the original presentment, refused for cause in red ink and a copy of this clerk instruction has been mailed registered mail as indicated back to the presenter within a few days of presentment.

denise elizabeth

Denise Elizabeth



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California
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Registered mail # R E 327 303 652 US